

Combating NIMBYism in Providing Housing to People Who Have Mental Illnesses

Introduction

In 1994, Philadelphia's then Mayor Ed Rendell signed a court-ordered decree to allow development of 1515 Fairmount Avenue, a permanent residence for men and women with long-term mental illnesses and the headquarters of Project H.O.M.E., its founder. This decree followed a 4-year struggle—with rallies, marches, petitions, letters, civil disobedience, and “Free 1515” T-shirts—against NIMBY (Not in My Back Yard) opposition in the courts and in the arena of public opinion. When 1515 opened its doors in 1996, Will O'Brien, then Project H.O.M.E.'s director of education and advocacy, wrote: “1515 Fairmount is more than just a new residence. It is a symbol of what is possible when we refuse to give in, when we cling to our convictions about human dignity. ... 1515 demonstrates that all persons can flourish, but it also reminds us that sometimes we need to struggle to make that flourishing possible.”

One of the most important roles of mental health providers is to ensure that people who have mental illnesses (who may also be called mental health consumers) have safe, affordable and accessible housing; but this role is also one of mental health advocacy's biggest challenges. As the President's New Freedom Commission on Mental Health noted in its July 2003 report:

The lack of decent, safe, affordable, and integrated housing is one of the most significant barriers to full participation in community life for people with serious mental illnesses. Today, millions of people with serious mental illnesses lack housing that meets their needs . . . [causing many] to cycle among jails, institutions, shelters, and the streets; to remain unnecessarily in institutions, . . . to live in seriously substandard housing [or to be] repeatedly homeless or . . . homeless for long periods of time.

Along with lack of funding, one of the biggest obstacles to safe and affordable housing is community opposition to housing or NIMBYism, when people say, “Not in my back yard!” Even people who are sympathetic to the idea that mental health consumers need appropriate housing often do not want them in their neighborhood.

This booklet provides mental health providers and advocates with advice on overcoming this resistance and gaining long-term community acceptance for housing for mental health consumers.

The Roots of NIMBYism

In its final report, the President's New Freedom Commission on Mental Health identified NIMBYism, along with funding issues and individual acts of discrimination, as one of the primary barriers to housing for mental health consumers. The Commission reported: "Tragically, too many housing providers discriminate against people with mental illnesses. Too many communities are unwilling to have supportive housing programs in their neighborhoods." The Commission's report noted problems both with individual acts of housing discrimination by housing providers, as well as NIMBYism, a type of group discrimination practiced by neighborhoods against certain types of housing. Although NIMBYism is especially common with regard to housing for mental health consumers, the problem also exists for other types of housing, such as affordable (low income) housing and housing for older adults and people with other disabilities. Many of the same rationales and tactics used to oppose housing for mental health consumers are also used for other types of housing.

Rationales for Neighborhood Opposition

Sometimes, public opposition to the nearby development of housing for mental health consumers stems from general societal discrimination against people with mental illnesses. However, in connection with organized opposition to housing development, the public also raises a number of concerns that seem, on the surface, to be more valid. Some of the most common concerns (Allen 2003, Igleisas 2002) are:

- Property values will decline and homes will become more difficult to sell or rent.
- Use of drugs and alcohol by residents will spread into the community.
- Residents will not receive a level of supervision adequate to allow them to live successfully in the community.
- Residents will be responsible for acts of violence, property crimes and "nuisance" crimes such as loitering, noise violations, and public urination.
- The quality of life in the neighborhood will suffer due to crowding, increased traffic or because the facility will be an eyesore.

Advocates should remember that many of these concerns are extremely important to homeowners and residents of a community, and it is vital to address them. The good news is that, as discussed below in "Myths and Realities about Housing for Mental Health Consumers," many of the concerns are exaggerated

or incorrect. However, these issues strike a chord with neighbors and the media as people begin to organize opposition to housing development.

Strategies Used to Protest Housing Development

Housing providers face the dilemma of either announcing their impending arrival and giving opponents time to mobilize against the project or entering the community quietly and facing the charge that the community was not informed. In most instances of neighborhood opposition to housing for mental health consumers, opponents will use one or more of a small group of common tactics (Allen 2003, Iglesias 2002):

- Legal strategies, such as challenges to the project's compliance with zoning laws, questioning whether the project meets building codes, giving testimony at zoning variance hearings, etc.
- Grassroots strategies, such as handing out flyers, canvassing door to door, writing articles in neighborhood newsletters, mobilizing a neighborhood association against the project, or holding a meeting in which opponents criticize the project.
- Political strategies, such as inundating local officials with phone calls, faxes or e-mails, or finding a local politician to serve as a "champion" against the project.
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- Illegal strategies, such as threats, intimidation, arson, vandalism or pressuring the seller not to sell the property for the proposed use.

Myths and Realities about Housing for Mental Health Consumers

The most common rationales given for neighborhood opposition to housing for mental health consumers are that the project will lower property values in the neighborhood and lead to an increase in neighborhood crime. Although these claims might seem to be supported by common sense, advocates have statistics on their side.

Research study after research study has concluded that affordable housing, including housing for people who have mental illnesses, people with other disabilities, and older adults, does not lower property values in urban, suburban

and rural communities. The Center for Common Concerns has collected and analyzed studies about the effect of affordable housing on property values and concluded that all but one study showed no adverse effect. According to the San Francisco-based organization, the reason that property values are not adversely affected by affordable housing or residential treatment facilities is as follows:

[P]roperty values are primarily determined by the condition of the particular property for sale and other broader, more complex forces such as overall area development and prosperity. The location of affordable housing has no significant impact on these other conditions which determine property values.

As to crime, research studies have indicated that even controversial facilities such as homeless shelters do not have a significant impact on the incidence of violent crimes. According to the Columbus, Ohio-based Community Shelter Board, research indicates that “[h]omeless males are arrested more frequently than non-homeless males, but their offenses are relatively minor and victimless.” The group also noted that “homeless [persons] commit crimes that are . . . often a result of not having a home,” such as breaking into abandoned buildings for shelter and shoplifting for food; and, therefore, “[the] presence of a shelter may actually curb some of the everyday arrests of homeless [persons].”

These statistics are useful because one of the primary reasons to create housing for mental health consumers is to prevent homelessness. According to the report of the President’s New Freedom Commission on Mental Health, “Of the more than two million adults in the U.S. who have at least one episode of homelessness in a given year, 46 percent report having had a mental health problem within the previous year. . . .” Federal funding for homelessness programs has the potential to benefit many mental health consumers; however, it is important to continue gaining community acceptance for appropriate housing so that these Federal dollars can be used in local communities.

Overcoming Resistance to Housing for Mental Health Consumers

Advocates and housing providers have learned many lessons in building housing that meets consumers’ needs, but perhaps the most important lessons are preparation and persistence. Well before housing is built (or converted from a previous use), it is important to begin the process of gaining community acceptance. There almost certainly will be obstacles, and sometimes plans must change to reflect a neighborhood’s concerns. But people who have successfully provided housing for mental health consumers know that persistence can lead to success, and that, once community acceptance is gained, hard work is also needed to maintain that acceptance.

Strategies for Gaining Community Acceptance

When you are planning housing for mental health consumers, in addition to planning the housing itself and support services, it is also important to have an organized strategy for gaining community acceptance. Michael Allen, senior staff attorney at the Judge David L. Bazelon Center for Mental Health Law, suggests the following six-step process for gaining community acceptance.

Step One: Planning

Before announcing plans to build housing for mental health consumers, it is important for an organization to do a self-assessment of its own capabilities, including its reputation for successful projects and its general reputation within the community and with the local government. Identifying strengths and weaknesses helps guide the approach taken in gaining community acceptance for the project. Sister Mary Scullion, co-founder and executive director of Project H.O.M.E., which provides supported housing for homeless people who have mental illnesses, suggests that organizations with existing facilities “have potential allies come and meet with the consumers. Have meetings at the facility and invite political leaders. [A] relationship with consumers is key in maintaining and building support.”

Even in the earliest stages of planning, before the plans are finalized or made public, it is important to involve potential allies. Allies could include representatives of the religious, business, civic, and political communities, as well as the local consumer movement. Holding planning meetings with potential allies before the project is made public makes it much easier to gain long-term support; if supporters “have been recruited and prepared for likely conflict, [they] will often redouble their commitment to the proposal when the anticipated opposition appears” (Iglesias 2002).

Some good questions (Allen 2003) to ask at an initial planning meeting are:

- How much support does the housing provider have with the community, the local government and the media?
- What types of government approvals are needed, who is responsible for making the decisions, and what is the time frame for these decisions?
- What is the character of the surrounding neighborhood, e.g., what are its unique assets and problems?
- What concerns are neighbors likely to have?

Step Two: Advocacy Strategy

An important part of the process is to identify which local officials will likely support the project, which will oppose it, and which will be undecided (Allen

2003). It is important to make special efforts to reach the undecided. Some of the factors (Iglesias 2002) that might sway undecided officials are:

- How much the official supports local businesses, which are impacted by any significant housing development.
- The official's interest in neighborhood revitalization, especially if vacant property is being converted to residential use.
- Whether the proposed development is in line with local housing plans, e.g., those prepared in order to qualify for funding from the U.S. Department of Housing and Urban Development (HUD).
- How much the official tends to be swayed by neighborhood satisfaction or dissatisfaction with an issue.
- How sensitive the politician is to negative media coverage.

Sometimes, educating local government officials about State and Federal fair housing laws (discussed below) can also have an impact on their decision-making process. "If [decisionmakers] can point to the city's legal duties as a reason for voting to approve a development that some elements [of] the community oppose, this may provide them with sufficient political cover to vote for the proposal" (Iglesias 2002).

For example, despite organized efforts by neighbors in the Poet's Corner area of Pleasant Hill, CA, to keep out a proposed residential facility for mental health consumers, the housing developer and advocates were able to convince the mayor and the city council that blocking the facility would constitute discrimination. The elected officials cited the near certainty of a lawsuit and its probability of success in explaining to their constituents why they voted to approve the facility.

Mayor Sue Angeli told the *Contra Costa Times*, "I don't want this facility in this city. But what do I do?" During the meeting in which the plan for the facility was approved, city council member Michael Harris said, "I would vote against it if I could" (Lyons 2003). In explaining their votes approving a facility that many in the Poet's Corner neighborhood had protested and organized against for over a year, the politicians cited the Americans with Disabilities Act and the State Welfare and Institutions Code.

In addition to identifying local government officials who are likely to make a decision on the project, it is important also to identify community leaders who could influence any decision made (Allen 2003). Such leaders will differ from

community to community, but might include members of the clergy, labor leaders, businesspeople or other prominent community figures.

Step Three: Building Public Support

For the development of housing to be successful, it is important that support be generated within the community, rather than simply with politicians and local leaders. “Active, vocal community support for your proposal will help you get political support, counter your opponents, tell your story to the media and, when appropriate, say hard things that developers usually do not want to say” (Allen 2003).

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Step Four: Dealing with Community Issues

Sometimes a public meeting can become primarily a forum for opponents to air their criticisms of the project. Many advocates believe that while it is important for a housing provider to be open and honest with the community, the reason for publicizing the project should be to “discover and address legitimate concerns, not to create an open forum for opposition” (Allen 2003). Therefore, it is wise to consider a number of alternatives that are “more likely to facilitate effective exchanges of information, help reassure fearful neighbors, and build trust in the relationship” (Iglesias 2002). Some of the alternatives to open meetings are:

- Canvassing door to door to discuss the project with neighbors.
- One-on-one meetings with community leaders.
- Open houses, in which neighbors are invited to visit one of the provider's facilities.

It is important to discover the neighbors’ reasons for opposition before developing responses to the concerns. It is also important to find innovative ways to allay these concerns. For example, “fears about crime are unlikely to be calmed by receiving copies of academic studies reporting low crime rates at affordable housing developments. Rather, fears about crime are better addressed by a meeting with a police officer who has experience with another similar housing complex built and managed by the developer” (Iglesias 2002).

Step Five: Legal Strategy

It is important to become familiar with the housing rights of people with disabilities. Some of the important Federal laws are listed in the “Resources” section below, and many States have their own fair housing laws. Identifying legal rights and potential violations is important because many obstacles require legal advice: “If your proposal is likely to encounter illegal discrimination or raise complex legal issues, contact legal assistance immediately to learn what you should do now to protect your rights, and how and when to get further legal assistance” (Allen 2003).

Step Six: Public Relations Strategy

A successful public relations strategy can be crucial if a proposed project generates controversy. The Resource Center to Address Discrimination and Stigma (ADS Center) offers extensive information about launching media campaigns focusing on reducing discrimination and stigma by educating the public about mental health issues. Sister Mary Scullion suggests, “Develop press contacts and support before any controversy if possible. Try to place success stories in the paper or have them cover current public policy issues around mental health. Be as proactive as you can. Follow the news and know who covers mental health and begin to build a relationship with those reporters” (Scullion 2003). An important part of any media campaign is to designate capable spokespeople; these should include current and former housing clients, who are able to provide personal perspectives on the importance of appropriate housing (Allen 2003).

It is up to the housing provider and advocates to give the media as much accurate and positive information as possible. “Otherwise, the deadline-driven reporter who likely knows little about affordable housing will use some variant of the typical headline: ‘Brave Homeowners Band Together to Protect Their Neighborhood From Low-Income Housing Project’” (Iglesias 2002).

Designing and Planning Housing that a Community Will Accept

Ultimately, a neighborhood’s acceptance of housing for mental health consumers will depend not only on a provider’s strategy for gaining acceptance but also on the proposed housing itself. In Philadelphia, Project H.O.M.E. has a proven track record of building housing for people who are formerly homeless. The community’s acceptance of such housing is not always easy to garner, but designing housing that fits into the neighborhood and offers something back is essential. It starts with the design of the building or renovation. Sister Mary Scullion says, “Hire a competent and experienced development team. Your development team has to be able to instill confidence in neighbors and business leaders. They should be names that people recognize or who have stellar references and have done successful projects that neighbors can visit.”

It is important that the housing meet not only the prospective residents' needs, but also reflect the neighborhood's needs and serve as a model for future projects (Iglesias 2002). According to Sister Mary Scullion, one way to achieve these goals is to include some features in the development that will be useful to both residents and neighbors. Depending on the neighborhood, examples could include a flower garden, a playground, a fountain, etc. Sometimes neighbors will have their own opinions about desirable amenities; this could become part of the process of negotiating community acceptance, she says, and suggests, "Include something in your budget for neighbors."

Maintaining Community Acceptance

Gaining community acceptance for housing for mental health consumers can sometimes be a long and difficult process; but even after plans are approved, the housing is built, and the residents move in, it is important to continue working hard on neighborhood relations. Sister Mary Scullion offers the following suggestions:

- Establish an advisory board for neighborhood input and include consumers/residents on it.
- Hold interesting forums, events, movies and shows at the facility that have a broader interest than just your constituency, such as art shows or political debates.
- Have a meeting space that the neighborhood can use.
- Have neighbors come on site as much as possible.
- Have the staff and residents know the neighbors by name. Host holiday get-togethers, celebrations, etc.

Legal and Other Resources for Combating Systemic Housing Discrimination

Sometimes housing providers and advocates need more than hard work, publicity efforts and a good program. Advocates have some important tools available to them in the form of Federal and State laws and technical assistance resources.

Federal civil rights laws, such as the Fair Housing Act and the Americans with Disabilities Act (ADA), provide protection against housing discrimination. These laws clearly apply to individual acts of housing discrimination, such as a landlord refusing to rent an apartment to a potential tenant because of his or her disability. Federal agencies and housing advocates have also begun to use the Fair

Housing Act to challenge zoning decisions that block housing opportunities for people with disabilities (Allen 2002).

Resources Available to Advocates

Allen, Michael 2003. Six steps to building community support for affordable housing and services. Presented at teleconference, Combating NIMBYism in Providing Housing to Mental Health Consumers, Resource Center to Address Discrimination and Stigma, June 25.

Allen, Michael 2002. The Fair Housing Act: an essential civil rights law in the affordable housing toolbox. *The NIMBY Report* (fall): 4-7. Article summarizing how the Fair Housing Act can be used to combat NIMBYism as well as individual acts of discrimination. Includes list of court cases. Available online at <http://www.nlihc.org/nimby>

Bazelon Center for Mental Health Law 1999. *What "fair housing" means for people with disabilities: a guide for consumers, advocates, and landlords*. Washington, D.C. Comprehensive guide to Federal housing laws as they apply to mental health consumers, including how to identify discrimination, how to request a reasonable accommodation, and how to report problems. To obtain, see <http://www.bazelon.org/issues/housing/publications>

Community Shelter Board n.d. *Emergency shelter's impact on crime in neighborhoods*. Columbus, Ohio. Examines myths and realities surrounding the effect on shelters for people who are homeless on surrounding neighborhoods. Available online at <http://www.csb.org/Publications/pandp/crime.pdf>

Dear, Michael and Robert Wilton 1996. *The question of property values*. Washington, D.C.: Campaign for New Community. Review of studies analyzing the effect of group homes, mental health facilities, and affordable housing, on property values, concluding that such developments do not diminish the value of nearby property. Available online at http://www.bettercommunities.org/index.cfm?method=question_of_property_values

Haag, Susan White 2002. Using civil rights laws to provide supportive housing and prevent homelessness. *The NIMBY Report* (fall): 16-19. Article discussing the Fair Housing Act, HUD regulations, and the U.S. Constitution as tools in combating NIMBYism. Available online at <http://www.nlihc.org/nimby>

Iglesias, Tim 2002. Managing Local Opposition to Affordable Housing: A New Approach to NIMBY. *Journal of Affordable Housing* 12: 78-122. Comprehensive article, including legal citations, detailing a strategy for overcoming resistance to

affordable housing of all types. Available online at
<http://www.bazelon.org/issues/housing/articles/IglesiasMLOinprint.pdf>

Lyons, Corey 2002. City was left with no other choice. *Contra Costa* (Calif.) Times, 23 July.
Describes a successful effort to create housing for mental health consumers.

President's New Freedom Commission on Mental Health 2003. *Achieving the promise: transforming mental health care in America*. Rockville, Md.
Comprehensive report by a commission of mental health experts appointed by the President to study and make recommendations about mental health services in the United States. Available online at
<http://www.mentalhealthcommission.gov/reports/reports.htm>

Scullion, Mary 2003. Overcoming community resistance to housing for mental health consumers. Presented at teleconference, Combating NIMBYism in Providing Housing to Mental Health Consumers, Resource Center to Address Discrimination and Stigma, June 25.

Additional Resources

Bazelon Center for Mental Health Law: www.bazelon.org

Fair Housing—It's Your Right: www.hud.gov/offices/fheo/FHLaws/yourrights.cfm

The Supporting Housing Program:
www.hud.gov/offices/cpd/homeless/programs/shp/index.cfm

Technical Assistance Collaborative: www.tacinc.org

UPenn Collaborative on Community Integration: www.upennrrtc.org

Free teleconference training on this topic is available at
<http://www.stopstigma.samhsa.gov/archtel.htm>. To download complete presentations and listen to the audio recordings, scroll to **NIMBYism - Not In My Back Yard**.

The resources named here are neither an exhaustive list nor imply endorsement by SAMHSA or the U.S. Department of Health and Human Services.

Federal Laws

Americans with Disabilities Act (ADA) 42 U.S.C. §§ 12101-12213
Prohibits discrimination against people with disabilities, including in the areas of employment, provision of government services, and public accommodations such as hotels and restaurants.

Fair Housing Act, 42 U.S.C. §§ 3601-3631

Prohibits discrimination against people with disabilities, minorities, and others in selling, renting, and building housing.

For more information about how to address discrimination and stigma, contact the SAMHSA Resource Center to Address Discrimination and Stigma (ADS Center) <http://stopstigma.samhsa.gov>, e-mail stopstigma@samhsa.hhs.gov or call 800-540-0320, a program of the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Center for Mental Health Services.

By Post:

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